

Hearing Program
Petition No. 1310
Tuesday, October 17, 2017
11:00 a.m.
Connecticut Siting Council, Hearing Room One
10 Franklin Square, New Britain, Connecticut

I. Opening by Council

- A. Statement read by Chair.
- B. Comments by Public Official(s) (if any)
- C. Motions
- D. Administrative Notice taken by Council

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2. NATIONAL RESEARCH COUNCIL, *Research on Power-Frequency Fields Completed Under the Energy Policy Act of 1992*, National Academy of Sciences, 1999, available at <http://books.nap.edu/openbook.php?isbn=0309065437>
3. UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC 70/7460-1L*, December 4, 2015, available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L_.pdf
4. Presidential Proclamation No. 8460, Critical Infrastructure Month, 74 Fed. Reg. 234, December 8, 2009, available at <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
5. Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 Fed. Reg. 11739, February 19, 2013, available at <http://www.archives.gov/federal-register/executive-orders/2013.html>
6. UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, *National Register of Historic Places*, July 2010, available at <http://www.nps.gov/history/nr/research/index.htm>
7. NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION, NERC Reliability Standards, available at <http://www.nerc.com/pa/Stand/Pages/default.aspx>
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13. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Office of Solid Waste and Emergency Response, *Handbook on Siting Renewable Energy Projects While Addressing Environmental Issues*, available at http://www.epa.gov/renewableenergyland/docs/handbook_siting_repowering_projects.pdf
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15. UNITED STATES DEPARTMENT OF AGRICULTURE, *Solar Energy Use in U.S. Agriculture Overview and Policy Issues*, April 2011, available at <https://www.nal.usda.gov/afsic/solar-energy>
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20. ALLCO FIN. LTD. v. KLEE, 2014 U.S. DIST. LEXIS 170674 (D. CONN. 2014), AFFIRMED BY ALLCO FIN. LTD. v. KLEE, 805 F.3d 89 (2ND CIR. 2015)

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54. **PETITION NO. 1042** – Somers Solar Center, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction and operation of a 5.0 MW AC Solar Photovoltaic Project located at 458 & 488 South Road, Somers, Connecticut. Record and Final Decision, *available at* <http://www.ct.gov/csc/cwp/view.asp?a=2397&q=513338>
55. **PETITION NO. 1056** - GRE 314 East Lyme, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction and operation of a 5.0 MW Solar Photovoltaic Renewable Energy Generating Project located on Grassy Hill Road and Walnut Hill Road, East Lyme, Connecticut. Record and Final Decision, *available at* <http://www.ct.gov/csc/cwp/view.asp?a=2397&q=517566>
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electric generating facility located on Potash Hill Road, Sprague, Connecticut. Record and Final Decision, *available at* <http://www.ct.gov/csc/cwp/view.asp?a=2397&Q=568946&PM=1>

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58. **PETITION NO. 1221** - Windham Solar LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of two 1.0 Megawatt and one 1.5 Megawatt Solar Photovoltaic Electric Generating facilities located at 91 Plainfield Pike Road, Plainfield, Connecticut. Record and Final Decision, *available at* <http://www.ct.gov/csc/cwp/view.asp?a=2397&q=578336>.
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E. State Agency comments

1. Department of Agriculture, dated July 17, 2017
2. Department of Transportation, dated September 5, 2017
3. Department of Energy and Environmental Protection, dated September 14, 2017

F. Municipal comments

1. Town of Canterbury First Selectman Letter of Support, dated June 19, 2017
2. Town of Brooklyn Planning & Zoning Commission Comments, dated September 19, 2017
3. Town of Brooklyn Inland Wetlands and Water Courses Commission Comments, dated
October 16, 2017

II. Appearance by Petitioner

Petitioner:	Quinebaug Solar, LLC
Representative:	David W. Bogan, Esq. Locke Lord LLP

A. Administrative Notice.

STATE

1. *An Act Concerning Connecticut Global Warming Solutions*, Public Act 08-98,
<https://www.cga.ct.gov/2008/ACT/PA/2008PA-00098-R00HB-05600-PA.htm>
2. *An Act Concerning Affordable and Reliable Energy*, Public Act 15-107,
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of Kelp in Certain Biofuels and the Permitting of Waste Conversion Facilities*, Public Act 17-218,
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7. PURA Docket 17-01-10, *PURA Review of Public Act 15-107(c) Large-Scale Energy Resource Agreements*, Final Decision, September 13, 2017,
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9. Town of Canterbury, Plan of Conservation and Development, August 1, 2010, http://www.canterburyct.org/documents/2010_Canterbury_POCD.pdf.

B. Exhibits for Identification.

1. Petition for a Declaratory Ruling filed by Quinebaug Solar, LLC, received June 15, 2017, and attachments
2. Quinebaug Solar, LLC's Response to the Department of Agriculture Comments, dated August 1, 2017
3. Quinebaug Solar, LLC's Responses to Council Interrogatories, Set One, dated August 22, 2017
4. Quinebaug Solar, LLC's Signs and Field Review Driving Routes, dated August 28, 2017
5. Quinebaug Solar, LLC's Responses to Council Interrogatories, Set Two, dated October 10, 2017

C. Swear Witnesses

1. Aaron Svedlow, NextEra Energy Resources, LLC
2. Dale Knapp, NextEra Energy Resources, LLC
3. David Cook, NextEra Energy Resources, LLC
4. Briony Angus, Tighe & Bond
5. Kevin Ryan, FB Environmental
6. Paul Callahan, NextEra Energy Resources, LLC
7. Thomas Ericco, TRC

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
 2. Troy and Meghan Sposato
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III. Appearance by Party:

Troy and Meghan Sposato

A. Administrative Notice.

1.

B. Exhibits for Identification.

1. Troy and Meghan Sposato Request for Party Status, dated September 7, 2017

C. Swear Witnesses

1. Meghan Sposato
2. Troy Sposato

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Petitioner

IV. Closing by Connecticut Siting Council.